



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land

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MEETING DATE <b>May 6, 2016</b> LOCAL EFFECTIVE DATE <b>May 20, 2016</b> APPROX FINAL EFFECTIVE DATE <b>June 10, 2016</b>	CONTACT/PHONE Schani Siong, Project Planner (805) 781-4374	APPLICANT Joseph Steinmann	FILE NO. DRC2014-00039
SUBJECT A request by <b>JOSEPH STEINMANN</b> for a Minor Use Permit/Coastal Development Permit (DRC2014-00039) to allow for the construction of a 1,225 square-foot single-story residence with a 485 square-foot garage and 775 square feet of deck area. The project will result in the disturbance of approximately 2,500 square feet (0.05 acre) on a 2.17 acre parcel. The proposed project is within the Agriculture land use category and is located 0.23 miles northeast of the 13th Street exit from Cabrillo Avenue (Highway 1), in the community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit/ Coastal Development Permit DRC2014-00039 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 17, 2015 for this project. Mitigation measures are proposed to address Aesthetics, Biological Resources, Geology and Soils, Wastewater, Water and Hydrology are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Local Coastal Plan Area, Geologic Hazard Area	ASSESSOR PARCEL NUMBER 073-095-007	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Estero (Cayucos) Rural Area Standards, Highway 1 – Cayucos Critical Viewshed <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Visual Resources Section 23.04.210 <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
 COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

EXISTING USES: Undeveloped	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/grazing land <i>East:</i> Agriculture /open space, grazing land <i>South:</i> Agriculture/residences, row crop <i>West:</i> Residential Single Family/residences, Highway 1	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Community Advisory Council, Public Works, Building Division, Cayucos Fire, Cayucos Sanitary District, Morro Rock Mutual Water Company, and the California Coastal Commission.	
TOPOGRAPHY: Moderate to steep slopes	VEGETATION: Grasses, coastal scrubs
PROPOSED SERVICES: Water supply: Morro Rock Mutual Water Company Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire	ACCEPTANCE DATE: July 14, 2015

**BACKGROUND**

The project site is a unique, 2.17 acre triangular shaped parcel zoned Agriculture and is located amidst the rural, agricultural hillside east of the town of Cayucos. The parcel is bordered immediately on the west by the State Highway 1 and Cabrillo Avenue (County Road M4240) on the south, east and north sides. The nearest intersection of public roads is the intersection of Cabrillo Avenue and 13<sup>th</sup> Street, approximately 100 feet to the southeast of the property. The site is currently undeveloped, consists of south facing moderate to steep slopes, with an average slope of 28%.

The subject parcel is a portion of the Lot 53 of the antiquated subdivision Rancho Morro Y Cayucos as filed on September 28, 1876. Due to its smaller than the minimum parcel size as required by the Agriculture land use category, this parcel remains a non-conforming agricultural parcel today. However, the parcel was never used for agriculture (no historical record) and the steep slopes render agricultural activities infeasible. This parcel and the adjacent County maintained road (Cabrillo Ave) were once owned by Caltrans for the purpose of State Highway 1 realignment. Cabrillo Ave was built by Caltrans to aid the construction of the State Highway 1, and upon completion, both Cabrillo Ave and the subject parcel were relinquished to the County and private ownership. In 2013, the applicant acquired the subject parcel for the purpose of developing a private residence. See Figure 1. Site Plan



Figure 1. Site Plan

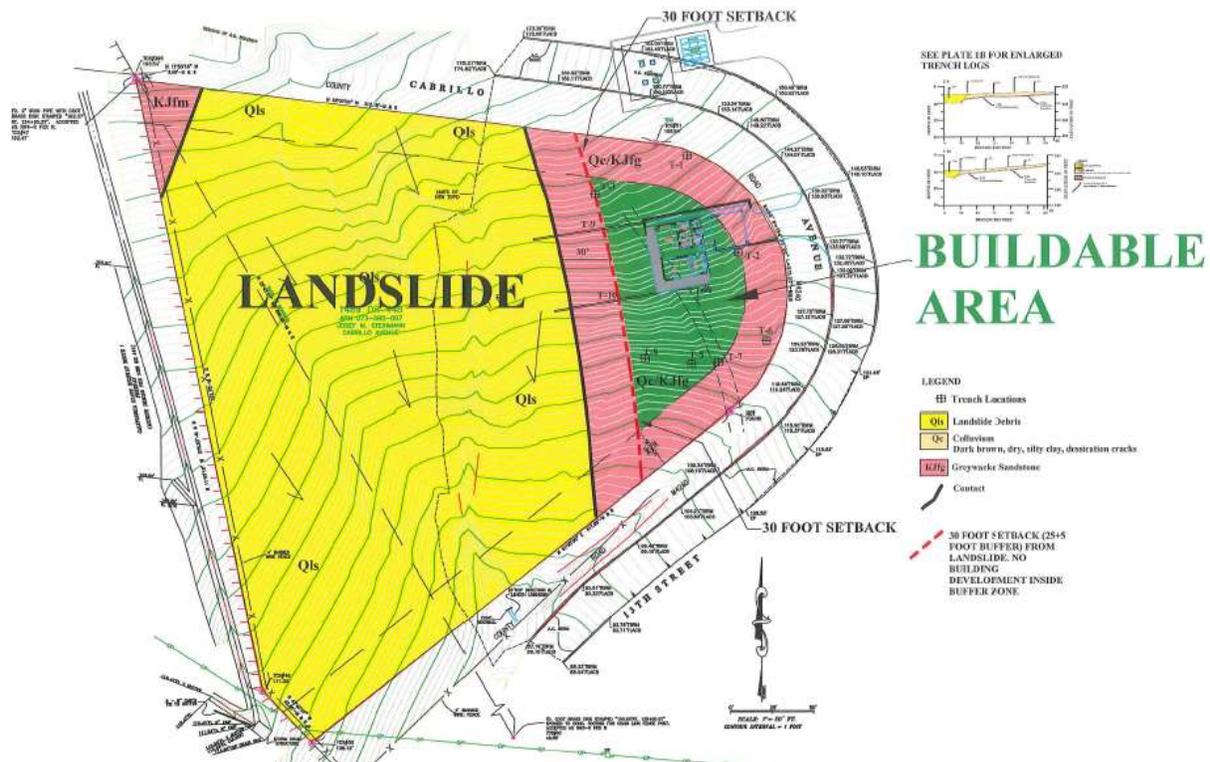
### Constraints

A majority of the site is constrained by geologic instability. Subsurface investigations show that landslide debris covers a large portion of the site. Based on geologic field reports, an active southward moving landslide was identified along the western portion of the site. A building setback zone was discussed during field investigations and a 25-foot setback from the landslide was established. The setback establishes a 20% factor of safety buffer (5 feet), with a total setback of 30-feet from the landslide for site building purposes, see Figure 2 below (GeoSolutions, October 14, 2014 and May 13, 2015). These geologic investigations and setbacks were reviewed found adequate by the County geologist (Landset Engineering Inc, February 19, 2015 and May 22, 2015).

Furthermore, the steep slopes and setback requirements create additional challenges for development of this parcel. Any proposed development has to be setback 100 feet from the existing on-site well, 50 feet from the Cabrillo Avenue right-of-way, and a minimum of 25 feet from the property boundary. In addition, the California Building Code requires building pads to be located at a slope ratio of no more than 3:0:1. Placement of development on any areas with steeper slopes will be not in compliance with the Building Code, and will also require more comprehensive site engineering to mitigate the landslide impacts.

Visual qualities of the rural hillsides east of Cayucos are considered high. This parcel is located within the Cayucos Critical Viewshed along Highway 1, which is established to protect the views of the scenic coastal hillsides. All development located within this region is subject to visual resource protection standards pursuant to the County's Coastal Zone Land Use Ordinance.

Figure 2. Geologic map of the site showing the landslide area, required setbacks and buildable area.



## PROJECT DESCRIPTION

The applicant proposes to construct a 1,225 square-foot single-story residence with a 485 square-foot garage and 775 square feet of deck area on this subject parcel. The site is approximately 2.17 acre and is currently undeveloped. The proposed residence will utilize Cabrillo Ave for access and construction will disturb approximately 2,500 square feet or 2% of the existing site.

Understanding the geologic constraints of the site, the applicant is proposing a modest, single story residence on the most competent formational area on the property, outside the required setbacks and compliant with the Building Code slope requirements. The proposed residence will be constructed on posts (instead of cut and fill method for slab construction and retaining walls) to minimize impacts to the site.

In order to locate the proposed residence on the most competent buildable area onsite, the residence will be visible from Highway 1. The applicant revised the design to incorporate agrarian style, earth tone materials, non-glaring light fixtures, and native landscaping to screen the proposed residence and low profile water tanks. The proposed residence is approximately 20 feet above average natural grade, with no more than 24 feet above finished grade. See Figure 3 for a visual simulation as seen from a key view point along Highway 1 (closest to subject site).

*Figure 3 . Visual simulation of the proposed residence with a 10-year growth screening vegetation (Firma Landscape Firm, April 2016).*



10 Years Growth

## PLANNING AREA STANDARDS

### Estero Areawide Standards

- G. Cayucos Planning Impact Area.** Within the planning impact area shown in Figure 7-5 of the Estero Area Plan, applications for land divisions, general plan amendments, minor use permits, and development plans shall be referred to the Cayucos Citizen Advisory Council or its successor for review and comment.

*Staff comment: This project was referred to the Cayucos Citizen Advisory Council and the committee supported the project on August 5, 2015.*

- H. Light and Glare.** At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

*Staff Comment: The project has been conditioned to meet this standard.*

### IV. Rural Area Standards

- C. Highway 1 - Cayucos Critical Viewshed.** The Highway 1 - Cayucos Critical Viewshed is established to protect views of this scenic coastal area. All applicable standards in the Coastal Zone Land Use Ordinance apply within this area (e.g., those in Chapter 23.04). Development not exempt pursuant to CZLUO 23.04.210(a) shall be considered a conditional use.

*Staff Comment: The project complies with this standard.*

### Combining Designations

- A. Geologic Study Areas (GSA) - Morro Bay & Cayucos Hillsides.** A geologic report prepared by a certified engineering geologist is required for hillside development adjacent to the city of Morro Bay and the Cayucos Urban Reserve Line.

*Staff Comments: The project complies with this standard. The applicant submitted Engineering Geology Investigation and Addendum (GeoSolutions, October 14, 2014 and May 13, 2015) and were reviewed and approved by County geologist (Landset Engineering Inc, February 19, 2015 and May 22, 2015).*

### Agriculture

- A. Limitation on Use.** The intent of this standard is to limit uses to those that are most directly related to agricultural production on lands that support the most intensive farming operations. Allowable uses are limited to: agricultural accessory structures; animal raising and keeping; crop production and grazing; nursery specialties soil dependent; coastal accessways; farm support quarters; home occupations; mobilehomes; residential accessory uses; single family dwellings consistent with the protection of agriculture; temporary dwelling; water wells and impoundments; pipelines and transmission lines; public utility facilities.

*Staff Comments: The project is consistent with this standard. The applicant is proposing a single family dwelling on this parcel, which is an allowable use on agricultural parcels per the Coastal Framework Table-O. Though zoned agriculture, the parcel has no historical farming activities, does not contain prime soils, and active agricultural operations will be infeasible due to the steep slopes. The proposed development will allow and support continued use of the parcel for small scale farming.*

## **COASTAL ZONE LAND USE ORDINANCE STANDARDS**

### **Section 23.04.210: Visual Resources**

The following standards apply within Critical Viewsheds, Scenic Corridors and Sensitive Resource Area (SRA) Combining Designation that are intended to protect visual resources, as identified in this title, the Official Maps, Part III of the Land Use Element or the area plans of the Local Coastal Plan

- a. Applicability of standards.** All new development, except exemptions are required by CZLUO to have a land use permit.
- b. Permit requirement.** Minor Use Permit approval is required and the application shall include a landscaping plan, grading and drainage plan, lighting plan, fencing plan (if applicable) and visual analysis, including the use of story-poles prepared by a licensed landscaped architect.

#### **c. Standards for Critical Viewsheds and SRAs for protection of visual resources.**

The following standards apply:

- 1) **Location of development.** Locate development in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging. New development shall be designed to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created "pockets" first and native vegetation and berming second, to screen development from public view and minimize visual intrusion.
- 2) **Structure visibility.** Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.
- 3) **Ridgetop development.** Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.
- 4) **Landscaping for hillside and ridgetop development.** Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant vegetation without obstructing major public views. The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided

through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

- 6) **Open space preservation.** Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP.

- e. **General Visual Standards for Coastal Development.** All development requiring a coastal development permit must be consistent with the requirements of Coastal Plan Visual and Scenic Resource Policies 1-11 as applicable.

*Staff Comments: The project is consistent with these standards. The applicant submitted all the required plans and also revised the initial visual simulations and landscaping plans to accurately simulate the proposed house design, massing scale, materiality, and provide a more natural, native screening palette (Firma Landscaping Inc, March 2016). The following Figure 4 shows the revised visual simulations taken from key viewpoints (most visible) from Highway 1.*

*The proposed residence is low profile with minimal footprint and is located within the most competent buildable area on the site. As designed, the proposed residence is located on the most competent buildable area on site, but it will result in the residence being visible from public roads. Alternative locations to reduce visibility are not feasible because such locations will not meet Building Code slope requirements or the landslide safety and building setbacks (Pasquini Engineering, Inc, January 12, 2016, GeoSolutions, January 7, 2016).*

*As proposed, the structure will not silhouette the ridgetop and the applicant has submitted a revised landscaping plan that utilizes fast growing native vegetation (cypress and toyons) to screen the development and water tanks from public views (Firma Landscaping, Inc, March 2016). The project is conditioned to maintain the visual screening in perpetuity. An open space agreement was not required because there are no substantial portions of the site that can be feasibly further developed due to the geologic constraints. For more information, refer to Coastal Plan Visual and Scenic Resource Policies discussion.*

### **Section 23.07.120: Local Coastal Program**

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Figure 4. Revised visual simulation viewpoints of the proposed project as seen from Highway 1. Simulations utilized height accurate pylons and GPS locations of the proposed structure on site.



This Visual Simulation Package supersedes a previous set of simulations. This new Visual Sim. accurately surveyed staked building corners, set vertical reference pylons, uses the appropriate 60-70 mm camera zoom to simulate the eye, and depicts screen plants at stages of growth 5 yr, 10yr and Maturity. The "KVA" designations on these exhibits refer to the original Visual Simulation "key viewing areas" for reference.

View Point 1 (from 13<sup>th</sup> Street off ramp from Highway 1)



5 Year Growth



10 Year Growth



Matured Growth

View Point 2 (viewed from Highway 1 - northbound)



5 Year Growth



10 Year Growth



Matured Growth

View Point 3 ( from Highway 1)



Residence not visible due to existing vegetation.

### COASTAL PLAN POLICIES

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture: <input checked="" type="checkbox"/>	Policy No(s): 1, 3, 4, and 5
Public Works: <input checked="" type="checkbox"/>	Policy No(s): 1
Coastal Watersheds: <input checked="" type="checkbox"/>	Policy No(s): 7, 8, 9, and 10
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, 4, and 5
Hazards: <input checked="" type="checkbox"/>	Policy No(s): 1, 2, and 3
Archeology: <input checked="" type="checkbox"/>	Policy No(s): 6
Air Quality:	N/A

### ***Agriculture***

***Policy 1: Maintaining Agricultural Lands.*** Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

*Permitted Uses on Non-Prime Agricultural Lands.* Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non-agricultural soils,

that the least amount on non-prime land possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

*Staff comments: The parcel contains Class 6 soils, which is a non-prime agricultural land. The site was a portion of a larger lot in an antiquated subdivision in Cayucos, which results in the parcel not conforming to the minimum parcel size as required by the Ag land use category today. There are no active agricultural operations on the site due to the historical use (Caltrans once owned it for highway construction purposes) and the steep slopes makes active agricultural use infeasible. The proposed development is a single family residence, which is an allowable use on non-prime agricultural land. The project does not convert prime agricultural land, affect the surrounding agricultural uses, and is located adjacent to the urban reserve line where public services are available to serve the proposed development. This project complies with this standard.*

**Policy 3: Non-Agricultural Uses.** In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. Non-agricultural developments shall meet the following requirements:

- a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.
- b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.
- c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.
- d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.
- e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.
- f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.
- g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.
- h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use.

Development proposals shall include the following:

- a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).
- b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.
- c. A demonstration that the proposed development is sited and designed to protect habitat

values and will be compatible with the scenic, rural character of the area.

*Staff comments: This project complies with this standard. The parcel is not a viable agricultural land due to the size and slope. Historically, the parcel was never cultivated as an active agricultural land and the proposed development is an allowed use (single family residence) for agricultural parcel. As proposed, the project will allow for continued use of the site as the applicant is considering small scale hobby farming or livestock keeping. The proposed residence does not adversely affect the surrounding uses because the development will utilize on-site septic, be served by community water and utilize an existing roadway for access. Future development and active agricultural operations on this parcel remain infeasible due to the geologic hazard and steep slopes that covers large areas of the site. Based on its small parcel size and very limited non-agricultural development potential beyond the proposed residence, this project was not subject to the agricultural or open space easement requirement.*

*The proposed development area is approximately 2,500 square feet, does not exceed 2% of the gross acreage of the parcel, and had incorporated a low profile design compatible with the rural character of the area. As part of the compatibility, the proposed residence will be screened from public roads with native vegetation, which will be maintained in perpetuity.*

**Policy 4: Siting of Structures.** A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses.

**Policy 5. Urban-Rural Boundary.** To minimize conflicts between agricultural and urban land uses, the urban service line shall be designated the urban-rural boundary. Land divisions or development requiring new service extensions beyond this boundary shall not be approved.

*Staff comments: This project complies with Policy 4 and 5. The proposed single family residence is located on non-prime soils and will not be requiring new water service extension beyond the urban reserve line. The proposed residence will be served by an existing water main line traversing across the subject parcel because the service provider currently serves a few residences near the subject site. The applicant submitted a will-serve letter and the representative from the water company clarified that the lateral connection will be sized to serve only this proposed development (Morro Rock Mutual Water Company, June 2, 2011).*

### **Public Works**

**Policy 1: Availability of Service Capacity.** New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff comments: This project is consistent with this policy. The applicant submitted a will-serve letter from the community water purveyor confirming that the proposed residence will be served (Morro Rock Mutual Water Company, July 2, 2011). Though located*

*outside of the urban service line, a representative from the water provider confirmed there is a water main line traversing the southern portion of the subject site, currently serving an existing residence on 13<sup>th</sup> Street (southerly adjacent to the site). The applicant is allowed to connect to the existing water line, without requiring a trunk line extension. However, the stubbing connection will be sized only for the proposed residence. No future development on parcels outside of the company's service boundary will be served from this trunk line (Morro Rock Mutual Water Company, August 2015). As for septic and access, the applicant will utilize engineered seepage pits and will be conditioned to enter into a road maintenance agreement to use Cabrillo Avenue for access (Public Works, October 31, 2014).*

### **Coastal Watersheds**

**Policy 7: Siting of New Development.** Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent, except where a residence cannot be feasibly sited on a slope less than 20 percent. Grading and development on slopes between 20 and 30 percent may be approved through a Minor Use Permit, if otherwise required by the CZLUO.

**Policy 8: Timing of Construction and Grading.** Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

**Policy 9: Techniques for Minimizing Sedimentation.** Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

**Policy 10: Drainage Provisions.** Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff comments: The project complies with these policies above. The subject parcel has an average slope of 28 percent and the proposed development is sited on the most competent buildable area. As submitted in the Minor Use Permit application, all site grading meets the maximum slope allowed by California Building Code and complies with the landslide and building setbacks required on site. Other areas besides the proposed location will result in more impacts to the geological stability, erosion and drainage on site and surrounding (GeoSolutions, January 7, 2016). This project will be conditioned to implement all site grading drainage and erosion control measures as recommended in the geologic reports prepared; Engineering Geologic Investigation and Addendum (GeoSolutions, October 14, 2014 and May 13, 2015), Soils Engineering Report Update (GeoSolutions, Oct 14, 2014), and Seepage Pit Disposal System Report Update (GeoSolutions, October 14, 2014).*

### **Visual and Scenic Resources**

**Policy 1. Protection of Visual and Scenic Resources.** Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

**Policy 2. Site Selection for New Development.** Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

**Policy 4. New Development in Rural Areas.** New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.

**Policy 5. Landform Alteration.** Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.

*Staff comments: The subject site is located immediately east of Highway 1, within the Critical Viewshed of Cayucos. As proposed, the residence is a modest house that does not silhouette the scenic ridgelines of the rural hillsides east of Cayucos nor significantly alter the natural landform. The subject parcel is highly constrained by geologic hazard (active slide) on a major westerly portion and the existing slopes (average 28%) presented challenges in siting the proposed development. In order to meet all required setbacks (landslide, building, septic and well 100' buffer distances) and comply with the maximum slope for development as allowed by California Building Code, the location of the proposed residence was deemed the most feasible.*

*This location, though most competently buildable, will result in the house being visible from Highway 1 for 10 seconds as one travels northbound at 65mph (Visual Analysis, San Luis Sustainability Group, June 2014). The visual impacts for southbound travelers are limited because the proposed residence will be tucked behind a hill as seen from Highway 1. Alternative locations to site the residence such as placing it at the lower end of the parcel near Cabrillo and 13<sup>th</sup> Street, in slope created 'pockets' and/or sinking portions of the residence below grade of Highway 1 are considered not feasible to minimize the visual impacts from the public highway. The current home site building pad is located on a slope ratio of 3:4:1, which is in compliance with California Building Code requirements of less than or equal to 3:0:1. Placing the residence on the lower portion of the site (outside of setback requirements) will put the building into a steeper slope ratio of 2:2:1, which exceeds the Building Code for slope maximum requirements. Moving the residence westward or on a grade lower than the Highway 1 will place the development on the active landslide area and will require extensive site engineering and grading cuts (for retaining walls) which all contribute to increase rather than minimize*

*ground disturbance and soil stability ( Pasquini Engineering, Inc., January 12, 2016). As proposed, the residence is located on the most competent buildable area of the site (GeoSolutions, January 7, 2016).*

*In order to mitigate the visual impacts of the proposed residence, the applicant conducted 2 visual studies, accounting for the key viewpoints along Highway 1. The initial visual study was conducted in June, 2014 and the simulations did not use story poles (Visual Analysis, San Luis Sustainability Group, June 2014). The screening plants proposed were not adequately compatible with the native vegetation and character of the area, as required by the CZLUO Section 23.04.210. The original landscape plan included a combination of 6 types of trees and shrubbery, with a total of twelve, 15-gallon plants planted around the residence. The varying height and growth rate at maturity were simulated to illustrate how the 75% screening criteria within 10 year will be met (Glandon Landscape Architecture, May 2015).*

*The initial visual study did not accurately simulate the size of the proposed residence (height, bulk and scale as seen from Highway 1). The initial landscape plan proposed plants that are not very compatible with the native vegetation and character of the area. Recognizing these inadequacies, the applicant revised the landscape plan and conducted a second visual study to accurately depict the scale of the single story residence and utilize screening plants that are visually subordinate and compatible to the surrounding character. The revised landscape plan proposes 5 cypress trees and 4 toyons, which are native, fast growing and found in the area. The revised visual simulation used story poles to accurately depict the height, bulk and scale of the proposed residence as seen from Highway 1. The plan also included monitoring and reporting standards to ensure the screen plants will be maintain successfully in perpetuity (Firma Landscape Architecture, March 2016).*

*The project will be conditioned to maintain the screening plants in perpetuity and submit an earthy material palette to the County to ensure the proposed design will be compatible and appear subordinate to the natural rural surroundings. As discussed, the project is consistent with these policies above.*

### **Hazards**

**Policy 1. New Development.** All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

**Policy 2. Erosion and Geologic Stability.** New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

**Policy 3. Development Review in Hazard Areas.** The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan.

*Staff comments: This project complies with these standards above. The proposed development is located on the most competent buildable area on a highly geologically constrained site. The proposed design utilized construction methodology that is minimally ground disturbing and all geologic investigations and construction recommendations were prepared by GeoSolutions ( Oct 14, 2014 and May 13, 2015) and peer reviewed and approved by County Geologist (Landset Engineering, Feb 19, 2015 and May 22, 2015).*

### **Archaeology**

#### **Policy 6: Archaeological Resources Discovered during Construction or through Other Activities.**

Where substantial archaeological resources are discovered during construction of new development, all activities shall cease until a qualified archaeologist can determine the significance of the resource and submit alternative mitigation measures.

*Staff comments: A Phase 1 Cultural Resources Survey was conducted on this parcel and no positive findings were discovered (Singer, 1999). In addition, this project was referred to the Native American tribal representatives as part of AB52 consultation. No major concerns were raised by the tribal representatives and the project will be conditioned to meet the County's standard cultural resource protection in the event of a discovery during construction activities.*

#### **COMMUNITY ADVISORY GROUP COMMENTS:**

Cayucos Citizens Advisory Council - The Land Use Committee reviewed and supported the project (August 5, 2015).

#### **AGENCY REVIEW:**

Public Works –*A drainage plan and road maintenance agreement are required for the proposed development (October 31, 2014).*

Cayucos Fire – *No Comments ( November 7, 2014)*

Morro Rock Mutual Water – *Will-serve letter submitted (June 2, 2011)*

Building Department – *per referral comments (November 10, 2014)*

California Coastal Commission – *Additional comments (December 18, 2015). See discussions of the concerns raised in the body of staff report; Summary of issues raised by Coastal Commission:*

- 1. Visual resource protection*
- 2. Adequate onsite water and sewer*
- 3. Agricultural lands protection*
- 4. Appealability of the project*

**LEGAL LOT STATUS:**

The one existing parcel consists of a portion of Lot 53 of the Subdivisions of Rancho Morro Y Cayucos according to map filed September 28, 1875 in Book A, Page 160 of Maps, and was legally created by deed at a time when that was a legal method of creating parcels. A certificate of compliance was issued and recorded for the parcel on December 3, 1999 (Document No. 1999-084526).

Staff report prepared by Schani Siong and reviewed by James Caruso, Senior Planner.